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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,826	11/03/2006	Herve Le Bihan	Serie 6385	9049
40582	7590	06/17/2009		
AIR LIQUIDE Intellectual Property 2700 POST OAK BOULEVARD, SUITE 1800 HOUSTON, TX 77056			EXAMINER DOERFLER, WILLIAM CHARLES	
			ART UNIT 3744	PAPER NUMBER
			MAIL DATE 06/17/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,826

Applicant(s)

LE BIHAN, HERVE

Examiner

William C. Doerrler

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date 11-3-2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to because it is unclear what stream in heat exchanger 1 feeds into the line leaving the heat exchanger for turbine 9. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, part b claims that the second portion of air is sent to the medium pressure column, yet in part g of the claim, the first fraction (which is part of the second portion) can be sent to the low pressure column. Thus, part g of the claim seems to contradict part b of the claim. The remaining claims depend from claim 11, so they are unclear due to their dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corduan et al (2003/0051504) in view of Hogg et al (5,490,391).
Corduan et al discloses applicant's basic inventive concept, a method for separating air by cryogenic distillation in an installation having a medium pressure column (3), a low pressure column (4) and a mixing column (27) in which air is compressed ('compressed and purified air 1" -paragraph 44), cooled in a heat exchange line (2) and a first portion

(64,66) is sent to the mixing column. A second portion (51) of air is sent to the medium pressure column. An oxygen enriched liquid (5) and a nitrogen enriched liquid (14) are sent from the medium pressure column to the low pressure column and an oxygen enriched liquid (24) is sent from the low pressure column to the top of the mixing column. A flow of liquid (end products 11,23) is drawn off of the column system and an oxygen rich flow (28) is drawn off from the mixing column and heated in the heat exchange line. Corduan shows a booster compressor 71 which compresses a portion of the feed which is further cooled and expanded with the expander providing rotary force to the booster compressor, but does not disclose the use of a Claude expander or feeding the now expanded stream to the medium pressure column. Hogg et al shows Claude expander 24 feeding a second fraction of feed air to medium pressure column 28 with a first fraction 32 being cooled and sent to the medium pressure column. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Hogg et al to modify the air separation system with a mixing column of Corduan et al by using a Claude expander to expand a portion of the feed fed to the medium pressure column to provide a cold expanded feed to the column to provide efficient separation. In regard to claims 13 and 20, Corduan shows an expander powering the compressor and Hogg et al state the that Claude expander can be used to provide power to a compressor in line 31 of column 4. In regard to claim 14, Official Notice is taken that cold compressors are well known in the cryogenic separation art and as such would have been obvious to provide a cold compressed stream. In regard to claims 15,16 and 18, see paragraph 18 of Carduan et al. In regard

to claim 17, the exact ratio of air being boosted by the booster compressor is seen as a matter of design choice for an ordinary practitioner in the art to provide the most efficient separation system from the teachings of the references.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rieth et al shows an air separation system with a Claude expander and a mixing column. Straub et al, Lee et al, Guillard, Le Bot and Rottmann et al show air separation systems with mixing columns and booster compressors which are powered by expanders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Doerrler whose telephone number is (571) 272-4807. The examiner can normally be reached on Monday-Friday 6:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C Doerrler/
Primary Examiner, Art Unit 3744

WCD